

Application No. 10/665,460  
Reply to Office Action of February 26, 2007

Docket No.: 05500-00154-US

**REMARKS**

Claim 1 is currently pending in the present application.

Claim 1 has been amended herein to incorporate a reference to SEQ ID NO:4 which previously appeared in claim 9. Claims 2-11 have been canceled in conjunction with the amendment of claim 1, without prejudice to the filing of one or more continuations directed to the subject matter thereof.

In the Office Action, the Examiner rejected claims 1-8 and 10-11 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not adequately described in the Specification. Additionally, the Examiner rejected claims 1, 3-4 and 6-8 under 35 U.S.C. §102(b), as being anticipated by WO 99/00407. The Examiner also rejected claims 1-9 and 10 under 35 U.S.C. §103(a), as being unpatentable over WO 99/00407.

In the Office Action, the Examiner stated that SEQ ID NO:4 is allowable over the prior art. (*See, Office Action, ¶13, p. 7.*)

Thus, while not agreeing with any of the Examiner's rejections or the arguments and contentions in support thereof as they relate to any of the rejected claims, in an effort to advance prosecution and pursue allowance of the subject matter directed to SEQ ID NO:4, Applicants have amended the claims to incorporate SEQ ID NO:4. It is believed that the amendments made herein address all of the prior rejections of record under 35 U.S.C. §§ 112, 102 and 103. Accordingly, consideration of amended claim 1, withdrawal of the rejections and a Notice of Allowance are respectfully requested.

Furthermore, Applicants have amended the Specification to remove the hyperlink text objected to by the Examiner.

Finally, with respect to the Examiner's note regarding the certified priority document in the acknowledgement of Applicants' claim of foreign priority based on French patent application FR 01/03691, Applicants respectfully point out that a certified copy of the priority document was submitted on October 20, 2003, as evidenced by the copy of the date-stamped return postcard enclosed herewith. Moreover, a review of the Office's PAIR database

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clearly reflects this submission, as the certified priority document is available in the image file wrapper. Additionally, with respect to the International Application of which this application is a continuation (*i.e.*, PCT/FR02/00772), Applicants respectfully note that the International Application designating the US was transmitted to the Office as a designated state in accordance with WIPO practice. If the Office did not receive the copy from the International Bureau and is unable to obtain a copy of the International Application, Applicants will forward a copy.

Reconsideration and allowance of the instant application in view of the amendments made herein is respectfully requested.

Respectfully submitted,

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August 24, 2007 By: Aaron R. Etteman  
(Date)

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In Re:	<u>Freyssinet et al.</u>	10/665,460
	(Applicant)	(Serial No.)
In Re:	<u>SUBMISSION*</u>	October 16, 2003 A35992-PCT-USA-A
		(072667.0191)
	(Title of Paper)	(Date)
		(File No.)

The stamp of the Patent Office Mail Room hereon acknowledges the receipt of the above-identified papers on the date indicated by such stamp.

Enclosed are: 1) Submission of Certified Priority Document (2 pages); 2) Certified Priority Document; and 3) Return Receipt Postcard

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